FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7084 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Ganesh Bhujbal i/by
M.K.Kocharekar for the applicant.

Mr.P.S.Hingorani APP for the State.

Coram : R.S.Mohite,J

Date : 23.01.2006.

PC

1. This is an application for leave to appeal. The 10th Metropolitan Magistrate Court, Andheri, Mumbai by order dated 6.9.2005 has acquitted the accused for the offence punishable under Section 138 of N.I.Act. On perusal of the judgment and order it is seen that the same has been passed for cogent and acceptable reasons. The complainant sold an illegal gala to the accused person. He obtained part of the amount in cash and part by

cheques. For the balance amount of Rs.5,31,800/- being the last instalment, the cheque which was the subject matter of 138 proceedings, was issued. At the stage of trial, no documents to show ownership of land on which the gala was constructed could be produced. No documents regarding permission of the Corporation could be produced. In fact the gala was demolished on 24.4.2001. That thereafter it appears to be re-constructed and again notice for demolition was issued on 13.4.2005 and final order was issued on 27.5.2005. In this view of the matter, there is no substance in the application and hence, leave is refused and consequently appeal to stand dismissed.

(R.S.Mohite,J)